

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MARCH 10, 2015 – 7:00 P.M.

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, and Mr. Fraim.

President Fraim moved to excuse Vice Mayor Williams and Mr. Protogyrou from today's meeting.

Motion adopted.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the issuance and sale by the City of Norfolk, Virginia of **Water Revenue Bonds**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia of **Water Revenue Bonds**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance finding a public necessity for the **acquisition of a permanent utility easement** for the purpose of constructing, maintaining, and operating certain facilities related to the City’s water supply systems, said easement to extend across property located at 3804 and 3824 Bruce Road in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$7,500.00 to acquire such.

Thereupon, an Ordinance entitled, “An Ordinance finding a public necessity for the **acquisition of a permanent utility easement** for the purpose of constructing, maintaining, and operating certain facilities related to the City’s water supply systems, said easement to extend across property located at 3804 and 3824 Bruce Road in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$7,500.00 to acquire such,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-2A

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance finding a public necessity for the **acquisition of one temporary construction easement and one permanent utility easement** for the purpose of constructing, maintaining, and operating certain facilities related to the City's water supply systems, said easement to extend across property located at 3831 Bruce Road in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$4,000.00 to acquire such.

Thereupon, an Ordinance entitled, "An Ordinance finding a public necessity for the **acquisition of one temporary construction easement and one permanent utility easement** for the purpose of constructing, maintaining, and operating certain facilities related to the City's water supply systems, said easement to extend across property located at 3831 Bruce Road in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$4,000.00 to acquire such," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Fraim.

No: None.

PH-2B

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance finding a public necessity for the **acquisition of two temporary construction easements and one permanent utility easement** for the purpose of constructing, maintaining and operation certain facilities related to the City's water supply systems, said easement to extend across property located at 3833 Bruce Road and the adjoining Parcel A in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$6,000.00 to acquire such.

Thereupon, an Ordinance entitled, “An Ordinance finding a public necessity for the **acquisition of two temporary construction easements and one permanent utility easement** for the purpose of constructing , maintaining and operation certain facilities related to the City’s water supply systems, said easement to extend across property located at 3833 Bruce Road and the adjoining Parcel A in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$6,000.00 to acquire such,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-2C

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance finding a public necessity for the **acquisition of a temporary construction easement** for the purpose of constructing certain facilities related to the City’s water supply systems, said easement to extend across property located at 3887 Bruce Road in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$2,500.00 to acquire such.

Thereupon, an Ordinance entitled, “An Ordinance finding a public necessity for the **acquisition of a temporary construction easement** for the purpose of constructing certain facilities related to the City’s water supply systems, said easement to extend across property located at 3887 Bruce Road in the City of Chesapeake, Virginia, authorizing the acquisition of the easement by either Purchase Agreement or Condemnation; and acknowledging the expenditure of the sum of \$2,500.00 to acquire such,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving the terms and conditions of a Lease Agreement with General Meals Food Services, LLC, for certain premises being the **Nauticus Café space located at 1 Waterside Drive**, Norfolk, Virginia and authorizing the execution of the Lease.

Thereupon, an Ordinance entitled, “An Ordinance approving the terms and conditions of a Lease Agreement with General Meals Food Services, LLC, for certain premises being the **Nauticus Café space located at 1 Waterside Drive**, Norfolk, Virginia and authorizing the execution of the Lease,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement with Verizon Virginia, LLC for a parcel of land at **Fairlawn Elementary School/Recreation Center**, in the City of Norfolk.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with Verizon Virginia, LLC for a parcel of land at **Fairlawn Elementary School/Recreation Center**, in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement between the City of Norfolk and **Little Creek National Pony League, Inc.** for the lease of a certain city-owned property located within Tarrallton Park, and authorizing the execution of the Lease Agreement on behalf of the City.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement between the City of Norfolk and **Little Creek National Pony League, Inc.** for the lease of a certain city-owned property located within Tarrallton Park, and authorizing the execution of the Lease Agreement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to Southside Coalition Community Development Corporation of a certain parcel of property located at **1629 Conoga Street** for the total sum of \$22,900.00 in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City’s right of reverter upon certain conditions.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Southside Coalition Community Development Corporation of a certain parcel of property located at **1629 Conoga Street** for the total sum of \$22,900.00 in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to Southside Coalition Community Development Corporation of certain parcels of property located at **1517 Conoga Street and 1519 Conoga Street** for the total sum of \$27,200.00 in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City’s right of reverter upon certain conditions.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Southside Coalition Community Development Corporation of a certain parcels of property located at **1517 Conoga Street and 1519 Conoga Street** for the total sum of \$27,200.00 in accordance with the terms and conditions of the Conveyance Agreement and authorizing the release of the City’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, to repeal an amendment to the City’s General Plan, *PlaNorfolk2030* changing the land use designation from property located at **600 Talbot Hall Road** from Institutional to Single Family Suburban.

Alice Allen-Grimes, 1322 Mallory Court spoke regarding the historic house on the Talbot Hall site.

Stephen Dexter, 509 Carlisle Way, was present in favor of the repeal but did not speak.

ACTION: This matter was continued to March 24, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-8A

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, to repeal an amendment to Chapter 27 of the *Zoning Ordinance of the City of Norfolk, 1992*, creating the Talbot Hall Residential Planned Development District (PD-R Talbot Hall).

ACTION: This matter was continued to March 24, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Frain.

No: None.

PH-8B

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, to repeal the rezoning of property located at **600 Talbot Hall Road** from IN-1 (Institutional) to PD-R Talbot Hall.

ACTION: This matter was continued to March 24, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **2014 State Homeland Security Program Grant Award** of \$40,420 from the Virginia Department of Emergency Management for the Community Emergency Response Team,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the Conveyance by quitclaim of a utility easement from the Commonwealth of Virginia, acting by and through the **Commissioner of Highways**, to the City of Norfolk and authorizing the City Manager to accept the Quitclaim Deed of Easement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving Agreements with the **Commonwealth of Virginia, Department of Transportation**, for the performance of various safety upgrades at the rail crossings located at **Ingleside Road and Azalea Garden Road**; appropriating and authorizing the expenditure of the sum of \$131,000.00 for the safety upgrades; and authorizing the City Manager to accept the sum of \$131,000.00 from the Commonwealth of Virginia, Department of Transportation, when and if received, in reimbursement for the safety upgrades at the rail crossings,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance of a certain parcel of property located in **Broad Creek** to the City of Norfolk by Norfolk Redevelopment and Housing Authority,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **131 Granby, LLC** to encroach into Granby Street and W. Plume Street rights-of-way at 101 W. Plume Street with existing awnings, cornices, Juliet balconies and fire escapes,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Section 6.1-2 relating to the definition of “adequate space” and renumbering Section 6.1-77 by adding a new subsection (D) **SO AS TO** prohibit **tethering of animals** unattended for more than one hour in a twenty-four hour period,” was introduced in writing and read by its title.

The following people thanked council for passing this Ordinance:

Dan Carron, 1001 Gates Avenue, #17C.
Jessica Johnson, 533 Washington Avenue, Apt. B,
Keith Burgeson, 3611 Orange Street.
Alex Blount, 517 Graydon Avenue.
Eric Gibson, 415 St. Paul's Boulevard.

ACTION: The Ordinance as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and a Resolution entitled, "A Resolution ratifying a **Declaration of a State of Local Emergency** made by the Director of Emergency Management for the City of Norfolk, Virginia, pursuant to Virginia Code Section 44-146.21, due to the hazards and damages of the winter snow storm," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

A Resolution entitled, "A Resolution appointing 52 persons to 6 Boards, 8 Commissions and 1 Authority for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective March 10, 2015.

Yes: Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Yasmin Cooper, 212 West 29th Street, spoke regarding parking issues on West 29th Street.
2. Joe Cook, 1147 Surrey Crescent, thanked Robert Tajan of the Planning Department with regard to help with a flood mitigation project; commented on the petition in support of coal dust presented to council at the February 24th's meeting, correction of February 24th council meeting minutes regarding same; trucks prohibited on Hampton Boulevard and asked that the traffic light be repaired at Jamestown Crescent promptly, asked for a left-hand turn signal for same light and to address speeding. He also stated that new business speakers should be televised and 3 minute time clock be visible for the public to see.
3. Danny Lee Ginn, 3845 Dare Circle, commented on Mr. Winn's vote on the method of electing school board members.